

Judge Analisa Torres

Magistrate Sarah Netburn

JS 44C/SDNY
REV. 4/2014

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Spanish Broadcasting System, Inc.

DEFENDANTS

Lehman Brothers Holdings Inc., as Plan Administrator

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Kaye Scholer LLP, 250 West 55th Street New York, NY 10019-9710
(212) 836-8000

ATTORNEYS (IF KNOWN)

Madlyn Gleich Primoff

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Bankruptcy Appeal of Court's grant of Plan Administrator's Motion for Summary Judgment and disallowing SBS's claim number 67707.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/	<input type="checkbox"/> 625 DRUG RELATED
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> PHARMACEUTICAL PERSONAL	<input type="checkbox"/> SEIZURE OF PROPERTY
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> INJURY/PRODUCT LIABILITY	<input type="checkbox"/> 21 USC 881
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 690 OTHER
<input type="checkbox"/> INSTRUMENT	<input type="checkbox"/> SLANDER	<input type="checkbox"/> PRODUCT LIABILITY	
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> 368 ASBESTOS PERSONAL	
<input type="checkbox"/> OVERPAYMENT &	<input type="checkbox"/> EMPLOYERS'	<input type="checkbox"/> INJURY PRODUCT	
<input type="checkbox"/> ENFORCEMENT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> LIABILITY	
<input type="checkbox"/> 151 OF JUDGMENT	<input type="checkbox"/> 340 MARINE	PERSONAL PROPERTY	
<input type="checkbox"/> 152 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD	
<input type="checkbox"/> RECOVERY OF	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	
<input type="checkbox"/> DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE		
<input type="checkbox"/> STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE		
<input type="checkbox"/> (EXCL VETERANS)	<input type="checkbox"/> PRODUCT LIABILITY		
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 380 OTHER PERSONAL	LABOR
<input type="checkbox"/> OVERPAYMENT	<input type="checkbox"/> INJURY	<input type="checkbox"/> PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR
<input type="checkbox"/> OF VETERANS'	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> STANDARDS ACT
<input type="checkbox"/> BENEFITS	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> 720 LABOR/MGMT
<input type="checkbox"/> 160 STOCKHOLDERS		PRISONER PETITIONS	<input type="checkbox"/> RELATIONS
<input type="checkbox"/> SUITS		<input type="checkbox"/> 463 ALIEN DETAINEE	<input type="checkbox"/> 740 RAILWAY LABOR ACT
<input type="checkbox"/> 190 OTHER		<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 751 FAMILY MEDICAL
<input type="checkbox"/> CONTRACT		<input type="checkbox"/> VACATE SENTENCE	<input type="checkbox"/> LEAVE ACT (FMLA)
<input type="checkbox"/> 195 CONTRACT		<input type="checkbox"/> 28 USC 2255	<input type="checkbox"/> 790 OTHER LABOR
<input type="checkbox"/> PRODUCT		<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> LITIGATION
<input type="checkbox"/> LIABILITY		<input type="checkbox"/> 535 DEATH PENALTY	<input type="checkbox"/> 791 EMPL RET INC
<input type="checkbox"/> 196 FRANCHISE		<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> SECURITY ACT (ERISA)
	ACTIONS UNDER STATUTES		IMMIGRATION
	CIVIL RIGHTS		<input type="checkbox"/> 462 NATURALIZATION
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS		<input type="checkbox"/> APPLICATION
	<input type="checkbox"/> (Non-Prisoner)		<input type="checkbox"/> 465 OTHER IMMIGRATION
	<input type="checkbox"/> 441 VOTING		<input type="checkbox"/> ACTIONS
	<input type="checkbox"/> 442 EMPLOYMENT		
	<input type="checkbox"/> 443 HOUSING/		
	<input type="checkbox"/> ACCOMMODATIONS		
	<input type="checkbox"/> 445 AMERICANS WITH		
	<input type="checkbox"/> DISABILITIES -		
	<input type="checkbox"/> EMPLOYMENT		
	<input type="checkbox"/> 446 AMERICANS WITH		
	<input type="checkbox"/> DISABILITIES -OTHER		
	<input type="checkbox"/> 448 EDUCATION		
REAL PROPERTY			
<input type="checkbox"/> 210 LAND			
<input type="checkbox"/> CONDEMNATION			
<input type="checkbox"/> 220 FORECLOSURE			
<input type="checkbox"/> 230 RENT LEASE &			
<input type="checkbox"/> EJECTMENT			
<input type="checkbox"/> 240 TORTS TO LAND			
<input type="checkbox"/> 245 TORT PRODUCT			
<input type="checkbox"/> LIABILITY			
<input type="checkbox"/> 290 ALL OTHER			
<input type="checkbox"/> REAL PROPERTY			

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

- ORIGIN**
- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

- BASIS OF JURISDICTION**
- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Kaye Scholer LLP, 250 West 55th Street New York, NY 10019, Attorneys for Plaintiff
 Spanish Broadcasting System, Inc., 2601 South Bayshore Drive PH2 Coconut Grove, FL 33133 United States

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153, Attorneys for Defendant
 Lehman Commercial Paper Inc., 745 Seventh Avenue, New York, NY 10019
 Lehman Brothers Inc., 745 Seventh Avenue, New York, NY 10019

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 1/21/16 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[x] YES (DATE ADMITTED Mo. May Yr. 1988)

Attorney Bar Code # MP1701

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Clear Form

Save

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